

Notice of Allowability

Application No.

10/643,931

Examiner

TISHA D. LEWIS

Applicant(s)

KURODA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on November 12, 2004.
2. ☒ The allowed claim(s) is/are 1-3 and 5-12.
3. ☒ The drawings filed on 20 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

The following is a response to the amendment received on November 12, 2004 which has been entered.

Response to Amendment

Claims 1-3 and 5-12 are pending in the application. Claim 4 has been cancelled.

-The objection to the abstract has been withdrawn due to applicant correcting a grammar error.

-The 102(e) rejection of claims 4 and 10-12 has been withdrawn due to applicant canceling claim 4.

Allowable Subject Matter

Claims 1-3 and 5-12 are allowed. The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or render obvious a motivation to provide for:

-(as to claim 1) a hydraulic control apparatus for a hybrid vehicle wherein a control unit maintains an oil pressure to a clutch as a first pressure when an engine is automatically started when release of a brake pedal is detected, the accelerator pedal is not depressed and an engine revolution rate is equal to or less than an idle revolution rate in combination with all the remaining limitations of claim 1.

-(as to claim 3) a hydraulic control apparatus for a hybrid vehicle wherein a control unit decreases an oil pressure to a clutch from a first pressure when an engine is automatically started when release of a brake pedal is detected, the accelerator pedal is not depressed and increases to a second pressure greater than the first pressure when

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an engine revolution rate exceeds a predetermined rate or a predetermined time has passed since start of engine in combination with all the remaining limitations of claim 3.

-(as to claim 5) a hydraulic control apparatus for a hybrid vehicle wherein a control unit decreases an oil pressure to a clutch from a first pressure when an engine is automatically started when release of a brake pedal is detected, the accelerator pedal is not depressed and increases to a second pressure greater than the first pressure when the accelerator pedal is depressed in combination with all the remaining limitations of claim 5.

-(as to claim 6) a hydraulic control apparatus for a hybrid vehicle wherein a control unit increases an oil pressure to a clutch from a first pressure to a second pressure when a brake pedal is depressed and the accelerator pedal is depressed while an engine is stopped in combination with all the remaining limitations of claim 6.

-(as to claim 7) a hydraulic control apparatus for a hybrid vehicle wherein a control unit decreases an oil pressure to a clutch from a first pressure to a lower limit pressure when an engine is started upon detection of a disturbance, a brake pedal is depressed and an accelerator pedal is not depressed and increases the pressure from the lower limit to a second pressure greater than the first pressure when the engine revolution rate exceeds an idling revolution rate in combination with all the remaining limitations of claim 7.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

For future reference in prosecution of further applications, applicant and/or representative for applicant is informed that claims for foreign priority under 119(a)-(d) having an earlier filing date can not be used as the effective filing date for an application and the actual effective filing date for this application is August 20, 2003, wherein the Nakamori et al reference is considered an intervening reference under 102(e) because the filing date of the reference is before the filing date of the present application and the priority filing date can only overcome this type of rejection if at least a translation of the priority document is filed, see MPEP 706.02 section V(c).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 703-305-0921. The examiner can normally be reached on M-Thur 8 AM TO 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tdl
December 6, 2004


TISHA LEWIS
PRIMARY EXAMINER
Au 3681 12/6/04